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PLEASE DELIVER TO BREMER/RODMAN FOR THE SECRETARY

MAY 15, 1974

SUBJECT: ABM DEFERRAL PROTOCOL
FROM SONNENFELDT AND LODAL

WITH THE ASSISTANCE OF GEORGE ALDRICH, MAW'S DEPUTY, WE HAVE POLISHED UP THE DRAFT PROTOCOL ON ABM DEFERRAL, AS YOU INSTRUCTED. THE BASIC PROVISIONS ARE STILL THE SAME: EACH SIDE IS RESTRICTED TO A SINGLE SITE, WITH A ONE-TIME FREEDOM-TO-SWITCH, WHICH CAN BE EXERCISED ONLY IN CONNECTION WITH ONE OF THE FIVE-YEAR REVIEW PERIODS (1977, 1982, ETC.). ONE SUBSTANTIVE CHANGE HAS BEEN MADE. THE YEAR IN WHICH THE SWITCH OPTION CAN BE EXERCISED BEGINS ON OCTOBER 3 RATHER THAN JANUARY 1 TO BRING IT INTO LINE WITH THE EFFECTIVE DATE OF THE TREATY.

WE BELIEVE THE SALT DELEGATIONS SHOULD BE RECONVENED IN GENEVA TO WORK ON THE ABM DEFERRAL, IF WE INTEND TO CONCLUDE A PROTOCOL FORMALLY AT THE SUMMIT. A PERIOD OF TWO OR THREE WEEKS SHOULD BE ADEQUATE FOR THIS PURPOSE. THUS THE DELEGATION COULD RETURN TO GENEVA AROUND JUNE 1. WE RECOMMEND YOU PROPOSE THIS TO DOBRYNIN AND HAND HIM THE TEXT OF THE DRAFT PROTOCOL AFTER YOU RETURN TO WASHINGTON. IF YOU APPROVE, WE WILL PREPARE TALKING POINTS ALONG THIS LINE FOR YOUR DISCUSSION WITH DOBRYNIN.

BEGIN TEXT OF DRAFT PROTOCOL:

PROTOCOL

TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND

***** WHSR COMMENT *****

SCOWCROFT, MCFARLANE

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THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS, WHICH WAS SIGNED ON MAY 26, 1972.

THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, HEREINAFTER REFERRED TO AS THE PARTIES, PROCEEDING FROM THE BASIC PRINCIPLES OF RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS SIGNED ON MAY 29, 1972,

DESIRING TO FURTHER THE OBJECTIVES OF THE TREATY ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS SIGNED ON MAY 26, 1972, HEREINAFTER REFERRED TO AS THE TREATY,

REAFFIRMING THEIR CONVICTION THAT THE ADOPTION OF FURTHER MEASURES FOR THE LIMITATION OF STRATEGIC ARMS WOULD CONTRIBUTE TO STRENGTHENING INTERNATIONAL PEACE AND SECURITY, HAVE AGREED AS FOLLOWS:

ARTICLE I

1. NOTWITHSTANDING THE PROVISIONS OF ARTICLE III OF THE TREATY, EACH PARTY SHALL BE LIMITED TO A SINGLE AREA OF DEPLOYMENT AT ANY ONE TIME FOR ANTI-BALLISTIC MISSILE SYSTEMS (ABM SYSTEMS) OR THEIR COMPONENTS AND THEREFORE SHALL REFRAIN FROM EXERCISING ITS RIGHT TO DEPLOY ABM SYSTEMS OR THEIR COMPONENTS IN THE SECOND OF THE TWO DEPLOYMENT AREAS PERMITTED BY ARTICLE III OF THE TREATY, EXCEPT AS AN EXCHANGE OF ONE AREA FOR ANOTHER IN ACCORDANCE WITH ARTICLE II OF THIS PROTOCOL.

2. ACCORDINGLY, EXCEPT AS PERMITTED BY ARTICLE II OF THIS PROTOCOL, THE UNITED STATES OF AMERICA SHALL NOT DEPLOY AN ABM SYSTEM OR ITS COMPONENTS IN THE AREA CENTERED ON ITS NATIONAL CAPITAL, AS PERMITTED BY ARTICLE III (A) OF THE TREATY, AND THE SOVIET UNION SHALL NOT DEPLOY AN ABM SYSTEM OF ITS COMPONENTS IN THE DEPLOYMENT AREA OF INTER-CONTINENTAL BALLISTIC MISSILE (ICBM) SILO LAUNCHERS, AS PERMITTED BY ARTICLE III (B) OF THE TREATY.

ARTICLE II

1. EACH PARTY SHALL HAVE THE RIGHT TO DISMANTLE ITS ABM SYSTEM AND COMPONENTS IN THE AREA WHERE THEY ARE PRESENTLY DEPLOYED AND TO DEPLOY AN ABM SYSTEM AND ITS COMPONENTS IN THE ALTERNATIVE AREA PERMITTED BY ARTICLE III OF THE TREATY, PROVIDED THAT PRIOR NOTIFICATION IS GIVEN DURING THE YEAR BEGINNING OCTOBER 3, 1977 OR DURING EACH FIFTH YEAR THEREAFTER, THOSE BEING THE YEARS FOR PERIODIC REVIEW OF THE TREATY, AS PROVIDED IN ARTICLE XIV OF THE TREATY. THIS RIGHT MAY BE EXERCISED ONLY ONCE.

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2. ACCORDINGLY, IN THE EVENT OF SUCH NOTICE, THE SOVIET UNION WOULD HAVE THE RIGHT TO DISMANTLE THE ABM SYSTEM AND ITS COMPONENTS IN THE AREA CENTERED ON ITS NATIONAL CAPITAL AND TO DEPLOY AN ABM SYSTEM AND ITS COMPONENTS IN AN AREA CONTAINING ICBM SILO LAUNCHERS, AS PERMITTED BY ARTICLE III(B) OF THE TREATY; AND THE UNITED STATES WOULD HAVE THE RIGHT TO DISMANTLE THE ABM SYSTEM AND ITS COMPONENTS IN THE AREA CONTAINING ICBM SILO LAUNCHERS AND TO DEPLOY AN ABM SYSTEM AND ITS COMPONENTS IN AN AREA CENTERED ON ITS NATIONAL CAPITAL, AS PERMITTED BY ARTICLE III (A) OF THE TREATY.

3. DISMANTLING AND DEPLOYMENT OF ABM SYSTEMS OR THEIR COMPONENTS PURSUANT TO SUCH NOTICE SHALL BE CARRIED OUT IN ACCORDANCE WITH PROCEDURES AGREED IN THE STANDING CONSULTATIVE COMMISSION.

ARTICLE III

THE RIGHTS AND OBLIGATIONS ESTABLISHED BY THE TREATY REMAIN IN FORCE AND SHALL BE RESPECTED BY THE PARTIES EXCEPT TO THE EXTENT MODIFIED BY THIS PROTOCOL. IN PARTICULAR, THE DEPLOYMENT OF AN ABM SYSTEM OR ITS COMPONENTS WITHIN THE AREA SELECTED SHALL REMAIN LIMITED BY THE LEVELS AND OTHER REQUIREMENTS OF ARTICLES II AND III OF THE TREATY.

ARTICLE IV

THIS PROTOCOL SHALL BE SUBJECT TO RATIFICATION IN ACCORDANCE WITH THE CONSTITUTIONAL PROCEDURES OF EACH PARTY. IT SHALL ENTER INTO FORCE ON THE DAY OF THE EXCHANGE OF INSTRUMENTS OF RATIFICATION AND SHALL THEREAFTER BE CONSIDERED AN INTEGRAL PART OF THE TREATY.

END TEXT.

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